



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2867



Home Depot USA, Inc.
15 Dan Road
Canton, MA 02021

Attn: Cynthia Warren, Corp. Counsel

Re: Home Depot Construction
Tilton, NH

**WITHDRAWAL OF NOTICE OF PROPOSED
ADMINISTRATIVE FINE
No. AF 02-004**

AUGUST 9, 2002

On February 14, 2002, the Department of Environmental Services, Water Division ("DES") issued Notice of Proposed Administrative Fine No. AF 02-004 ("the Notice") to Home Depot USA, Inc. ("Home Depot") pursuant to RSA 482-A:13 and Env-C 601.05. Based on further review by DES of the facts and law supporting its claims, DES hereby withdraws the Notice. DES has referred this matter to the New Hampshire Attorney General's Office for the imposition of civil penalties, or such other relief as may be appropriate, from a court of competent jurisdiction over the dispute, including but not limited to recouping the economic benefit realized by Spencer as a result of the violations that occurred during the construction of a retail store in Tilton, New Hampshire. This withdrawal shall not be deemed a decision on the merits of the Notice, and shall not limit or otherwise restrict the remedy or relief that may be sought by the New Hampshire Attorney General.


COPY
Harry T. Stewart, Director
Water Division

Certified Mail/RRR # 7000 0600 0023 9936 4599

cc: Gretchen Rule, DES Legal Unit
Susan Alexant, DES Hearings & Rules Attorney
Mary Ann Tilton, DES Water Division
Ana Ford, DES Water Division
Jennifer J. Patterson, DOJ/EPB
Richard W. Head, DOJ/EPB
Marjory Swope, NHACC
Town of Tilton Board of Selectmen
Tilton Conservation Commission
R.L. Spencer, Inc.
Gove Environmental Services, Inc.
Peter G. McGrath, Esq.